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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,395	11/26/2001	Sergey D. Lopatin	039153-0457 (G1162)	7882
7590	01/11/2006		EXAMINER NADAV, ORI	
Paul S. Hunter FOLEY & LARDNER Firstar Center 777 East Wisconsin Avenue Milwaukee, WI 53202-5367			ART UNIT	PAPER NUMBER
			2811	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/994,395	LOPATIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
Ori Nadav	2811		

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-13, 15-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 15-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 10, 13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen et al. (6,482,740) in view of Edelstein et al. (6,399,496) and Bogel et al. (6,749,699).

Soininen et al. teach in figure 1 and related text a method of fabricating an integrated circuit, the method comprising:

Depositing an etch stop layer 6 over a first conductive layer 2, wherein the etch stop layer is in direct contact with the first conductive layer;

depositing an insulating layer 8 after the etch stop layer is deposited over the etch stop layer;

forming a barrier layer 14 extending along lateral side walls and a bottom of a via aperture, the via aperture being configured to receive a via material that electrically connects the first conductive layer 2 and a second conductive layer 18; and

depositing/filling a copper 18 alloy (see figure 4 and related text) via material in the via aperture to form a via.

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Soininen et al. do not teach the copper alloy material including Zinc (Zn) or Silver (Ag) and at least one element for increasing grain size including Calcium (Ca) or Chromium (Cr).

Edelstein et al. teach a copper alloy material including Zinc (Zn) or Silver (Ag) and at least one element for increasing grain size including Calcium (Ca) or Chromium (Cr) (column 8, lines 35-52).

Bogel et al. teach that Calcium (Ca) or Chromium (Cr) increases the grain size having one atomic percent or less (column 7, lines 65-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a copper alloy material including Zinc (Zn) or Silver (Ag) and at least one element for increasing grain size including Calcium (Ca) or Chromium (Cr) in Soininen et al.'s device in order to provide a stable Cu alloy with improved electromigration properties.

Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen et al., Edelstein et al. and Bogel et al., as applied to claim 1 above, and further in view of Merchant et al. (6,440,849).

Regarding claim 4, Soininen et al., Edelstein et al. and Bogel et al. teach substantially the entire claimed structure, as applied to claim 1 above, except the copper alloy via material includes one atomic percent or less of Zinc (Zn) or Silver (Ag).

Merchant et al. teach the copper alloy via material includes one atomic percent or less of Zinc (Zn) or Silver (Ag) (column 3, lines 6-12).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the copper alloy via material includes one atomic percent or less of Zinc (Zn) or Silver (Ag) in prior art's device in order to provide a stable Cu alloy with improved electromigration properties.

Regarding claim 22, Merchant et al. teach stuffed grain boundaries.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen et al., Edelstein et al. and Bogel et al., as applied to claims 1 and 6 above, and further in view of Gross (6,380,083).

Soininen et al., Edelstein et al. and Bogel et al. teach substantially the entire claimed structure, as applied to claims 1 and 6 above, except the increased grain size is between 0.5 and 3 microns.

Gross teaches an increased grain size is between 0.5 and 3 microns (column 5, lines 30-36).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an increased grain size is between 0.5 and 3 microns in prior art's device in order to provide a stable Cu alloy with improved electromigration properties.

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Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen et al., Edelstein et al. and Bogel et al., as applied to claim 10 above, and further in view of Andricacos et al. (6,090,710).

Soininen et al., Edelstein et al. and Bogel et al. teach substantially the entire claimed structure, as applied to claim 10 above, except the ternary copper alloy via material is at least 98 atomic percent copper and includes Zinc (Zn), Silver (Ag), or Tin (Sn).

Andricacos et al. teach a ternary copper alloy via material is at least 98 atomic percent copper and includes Zinc (Zn), Silver (Ag), or Tin (Sn) (column 8, lines 15-16 and table 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a ternary copper alloy via material is at least 98 atomic percent copper and includes Zinc (Zn), Silver (Ag), or Tin (Sn) in prior art's device in order to obtain low resistance copper alloy for vias.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6-13, 15-20 and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on 571-272-1732. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ori Nadav', is positioned above the printed name and title.

O.N.  
1/8/06

ORI NADAV  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2800